B. L. 1.291

THE Liberties and Customes OF THE MYNERS.

WITH

Extracts from the Bundles of the Exchequer and Inquisitions: taken in the Reigne of King EDWARD the first: and continued ever since, under the most favourable Kings and Queens of this Kingdome of *ENGLAND*.



Printed by E. G. 1649.

THe *Earle of* Rutland, *in his anſwer to the caſe of the Myners of* Darbiſhire, *for digging in his Mannor of* Haddon, *alledgeth, Their priviledge is onely in the Dutchy Lands and Kings field, That this Mannor is his Inheritance, and no part of the Dutchy. And therefore prayes that the Myners Bill of complaint may be tryed by Law before they make any more incurſions upon his Herbage to diſcover Mynerals.*

Upon which an Order of Reſtraint is granted by the Houſe of Commons againſt the Myners, untill the Houſe ſhould take further cognizance of the buſineſſe.

The parties grieved being the poore Myners, and in number 40000 *at leaſt, do implore a ſpeedy hearing in Parliament, as the fitteſt Judicature for the publique good, that the greatneſſe of one man, for his own private ends, may not be a means of ruine to ſo many thouſands, which by this reſtraint may be forced to beg their bread, or fall into a worſe condition, for the reaſons following.*

I.

1. FOr that the ſaid Lord hath a vaſt viſible eſtate which originally was granted from the Crowne, and that the Mineralls of Lead in theſe Lands, as well as all others in that County (for the moſt part containing Silver in them that may be profitably extracted) are either by expreſſe words or implication reſerved to the Crown, or by ancient Cuſtoms for a generall good (as is conceived in the opinion of learned Lawyers) that the Farmers in fee of each Lands under the notion of Herbage, Wood and Lands, ſhould not conceale them, or out of their own peculiar ends, infringe the Liberties of any other Subjects to diſcover the hidden Treaſures thereof. And therefore ſeverall Proclamations from time to time have been publiſhed for inviting all induſtrious people in the generall ſearch for Mynes, as well as the owners of the Herbage.

II.

2. It cannot be denied that Lead and Lead-Oare is not onely a principall Staple commodity of this Kingdome, but that the County of *Darby* hath ever had the honour and precedence for the production thereof, above all other Counties, which hath been ſo continued by keeping their ancient Priviledges and Cuſtoms to dig in any mans ground upon payment of certaine diſhes of Oare to the owner of the Land, which is called Lot and Cope, and far furmounts the damage done upon the Herbage. And therefore the queſtion is, that ſince the Mynes of the Kingdom are publikely known to be decayed, ancient Mynes being wrought out, and the preſent drowned with water, through the reſtraint of the Myners from working and draying the ſame, whether in Religion and pollicy of State, ſo great a deſigne for the good of this Nation, which increaſeth ſhipping, and the Trade and Traffique of this Common-wealth, maintaining ſo many thouſands of men, and raiſing millions of money out of the (otherwiſe unprofitable) bowels of the earth ſhould any longer be retarded by a ſelf-wil opinion of the ſaid Earles, for his own private ends, when upon Oath and view of any Myneral-men, threeſcore ſeverall Veines of Lead-oare are apparently purſued to his Lordſhips Mannor of Haddon, eſpecially now that able Merchants on the behalfe of the diſtreſſed Myners, and for the publique good, are willing to advance double the yeerely value of the whole Herbage to his Lordſhip, if he ſhall make choice thereof, rather then the known Cuſtomary profit of the Lot and Cope, for the treſpaſſe in the ſaid Lands, which all Kings, States, and Common-wealths have uſually accepted the like Tribute for the encouragement of ſuch Honourable diſcoveries: And likewiſe this honourable Act of the Parlament, for the Publique good, wil be a means to ingage the now diſtreſſed multitude which worke the ſaid Mynes to avoyd all ſuppoſed mutinies, and peaceably and quietly to purſue their harmleſſe calling ſo profitable to the Common-wealth, and

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III

4. And laſtly, it reſts to be conſidered, whether it may not intrench upon the Honour and Priviledge of Parliament to leave a buſineſſe of ſo high concernment to any inferiour Court, when it is Uniuerſally known, that the end of Nationall Aſſemblies is for deciding, ſetling, and rectifying publique affairs and grievances, eſpecially of ſuch conſequence as this may be, in profit or detriment to the Common-wealth.

Die Mercurii, 30 *Maii*. 1649.

ORdered by the Commons aſſembled in Parliament, That it be referred to the Chief-Juſtices of the Upper Bench and Common-pleas, and chiefe Baron of the Exchequer, to examine the buſineſſe concerning the Myners in Darbyſhire, *and the differences betwixt them and the Earl of* Rutland *and others: And to call all parties concerned before them, and to ſtate the matter of fact, with their opinions, and to prepare an Act to be paſſed for ſetling the ſame, and reliefe thereof, as they ſhall conceive juſt. And that the ſaid Referrees have power to ſend for perſons, papers, Records, &c. as they ſhall ſee cauſe.*

Hen. Scobel, Cler. Parliament.

From the Bundles of the Exchequer, and the Inquisition of the Yeare of the Reigne of King *Edward* the first, the X v j.

Derby.

EDward by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of Aquitaine; to the Sheriffe of the County of Derby greeting: Know yee that wee have assigned our faithfull and well-beloved *Reignald* of the *Ley* and *William* of *Menill* to inquire by the Oathes of good and lawfull men of your County, by the which the truth may best be known, of the Liberties which our Miners do claim to have in those parts, and which they have hitherto used to have, and by what meanes, and how, and from what time, and by what warrant: And therefore wee do command thee, that at a certaine day and place which the said *Reignald* and *William* shall appoint thee, thou shalt cause to come before them, so many and such good and lawfull men of thy Bailywike by the which the truth may there the best be knowne in the premisses by the enquiry, and that thou have there the Writ. Witnesseth, our well beloved Cousin *Edmund* Earle of Cornwall at Westminster, the xxviij. day of *April*, in the yeare of our Reigne the xvj. by *William* of *Hambleton*, and at the instance of *Hugh* of *Cressingham*. The day is appointed at Ashbourne upon Saturday next after the Feast of the *Holy Trinity*.

An Inquisition taken at Ashbourne upon Saturday next after the *Holy Trinity*, in the yeare of the Reigne of *Edward* the first the xvj. before *Reignald* of the *Ley*, and *William* of *Meignill*; Of the Liberties which the Miners of the said Soveraigne Lord the King in the Peake do claime to have in those parts, and which they have hitherto used to have in those parts: By what meanes, and how, and from what time, and by what warrant;

By the Oath of

Thomas Foliame,
William Hawley,
Ralph Cotterill,
William of *Longſden*,
John of *Tearture*,
Clement of *Ford*,
William of *Bradlaw*,
Peter of *Rowland*,
Richard of *Longſden*.
Iur. William ſon of the Smith of Bradwall,
Henry Foliambe,
John of *Longſden*.

All Jurors.

Of the new field.

Who ſay upon their Oaths, that in the beginning when the Miners did come to the field, ſeeking for a Mine and finding a Mine, they did come to the Bailiffe, which is called Barghmaſter, and did deſire (if it were a new field) that they might have two meeres of ground; that is to ſay one for the finding thereof, and the others by the Miners fine, *viz.* paying a meere diſh of his firſt Oare.

An old worke and length of a meare.

2. And the Miners deſired alſo in an old worke of right to be meaſured to the ſaid Miners, every meere to containe foure meaſures, and the hole of the Mine to be ſeaven foot wide or broad.

The length of the meaſure.

3. And every meaſure ſhall be of 24. foot, and the King ſhall have the third meere next the Finder, and the other two meers ſhall be delivered to the work-man; finder of the new Mine, by the Barghmaſter.

The King to have a third meare in a new field.

4. And in an old field, every workman demanding ſuch work, one meere in the field of our Soveraigne Lord the King.

The King is to have the thirteenth diſh for lot.

5. And the King ſhall have the xiij. diſh, or meaſure of Oare, which is called the lot.

For what cauſe lot is paid.

6. And this hath been uſed, and for this our Soveraigne Lord the King ſhall find unto the Miners free ingreſſe and egreſſe, into and from their Mines, to carry and beare their Oare unto the Kings high-way.

The King ſhall have oare giving as much as another.

7. And the Jury do ſay, that they are uſed for caving in Mines, that our Soveraigne Lord the King ſhall have the buying of their Oare before all other, giving as another will.

An exception.

8. And if the Miners have received any money of any other man before-hand for his Oare, then the Miners ſhall pay their debts, without any let of the Barghmaſter, ſo that this be with-

out fraud or deceit: or elſe the King ſhall have the Oare before all other.

9 And the Jury ſay further upon their Oathes, that it is, and ſhall be lawfull, to the Miners, to ſell, give, and aſſigne his grove or meere of ground, or any part thereof, without the licence of the King, or Barrhmaſter. *That all Miners may lawfully ſell their meare at pleaſure.*

10 And this hath been uſed time out of memory of man, in all the territories and liberties of the high Peake unto this time, ſave in a certaine place there called *Man Dale*, in which place all buyers of Oare are prohibited to by Oare, by the ſpace of foure yeares laſt paſt, by the Barghmaſter. *An exception.*

11. And for what cauſe the Miners may maintaine their rights and cuſtomes above-ſaid, the ſaid Jury do ſay, that the ancient cuſtome of the mine is, that the Pleas or Courts of the Barghmaſter ought of right to be kept and holden yearly upon the Mines from three weeks to three weeks. *Courts of the Barghmaſter to be kept every three weeks.*

12. And the Jury ſay upon their Oathes, that if any Miner be ſlaine by any misfortune, that ſuch Miner ſhall be buried without the view of the Coroners of the ſaid County, by the view of Miners. *The Coroner of the County not to view the body of any Miner.*

13. And if any perſon or perſons be convicted of any ſmall treſpaſſe, he ought to pay for his amercement two pence, and that to be the ſame day paid: or elſe to double the ſame amercement, till it come to five ſhillings and foure pence. *What fine is to be paid for ſmall treſpaſſes.*

14. If any bloud be ſhed upon the Mine, the author ſhall pay five ſhillings and foure pence the ſame day, or elſe ſhall double the ſame every day, till it come to an hundred ſhillings. *Every bleuiſhed 5 s. 4 d.*

And, if any Miner do any treſpaſſe under the ground to his fellow, he ſhall pay for his amercement five ſhillings and foure pence, and ſatisfie his fellow the full value of the treſpaſſe. *For every treſpaſſe made in a nothers meare is 5 s. 4 d. for the recompence of the party.*

FINIS.

In Dei Nomine Amen.

Of a new field.

The Lord of the field to have a meare.

A meare of ground what in length.

Wives to have Dower in meare.

How the worke is to be followed.

For lettings by water.

FIrſt time that the new Mine was found, the Merchant and the Miners choſe them a Barghmaſter for to deliver unto the Finder of the Mine two mears, and to the Lord of the field a meare nigh to the ſaid two meares on the one partie : or elſe halfe a meare on the one ſide of the ſaid meare, and another halfe on the other ſide, at his owne election ; and after that, the Barghmaſter ſhall deliver to the Miners mears to worke after the Law of the mine ; and a meare ſhall containe in length ten wands and ſeven foot, that is to ſay, eighty and ſeven foot, there alway as the Mine goeth betweene two walls. And the Miners ſhall have their meares to them and to their heirs for ever, but if they be forfeit by the Law of the Mine to the Lord, and their Wives ſhall have Dowers in the ſaid mears ; but if they be forfeit, they are as aforeſaid.

And the Miners ſhall worke their mears daily ; and ſhall chaſe their ſtole, on that one part there as he may finde mine betweene two wals in the naturall way, till hee come to the meare ſtake, and then his neighbours next him ſhall chaſe the ſtole in the ſame manner, and ſo the ſtole ſhall be chaced from meare to meare, but if it be letted by water.

And

And then the Barghmaſter ſhall ſee that the mine be wrought duly, and where he findeth a meare unwrought, hee ſhall ſcore on the ſpindle one ſcore; and ſo from weeke to week he ſhall viſit the field, and ſee that the Mines be wrought: And if hee find any meare ſtanding unwrought three weeks together, hee ſhall ſcore three ſcores on the ſpindle, and deliver it to him that will work it, as the Law will; but if it be borrowed and replevied, as the Law of the mine will at the third weeks end.

The Barghmaſter is to ſcore the ſpindle of the flowes, where it is not rightly wrought.

And then the Lords and the Miners ſhall ordaine them a covenable meaſure by which the Lord ſhall receive his lot, and the Miners ſhall ſell their mine.

Concerning meaſures.

And the Miner abiding upon his meare, ſhall have delivered to him by the Barghmaſter, a ſufficient place for his Lodge, and for his Cottage; with ſufficient Houſeboot, and Hayboot, and all manner of Timber for their groves, delivered by the Lords, or by his Foſters (if they have ſufficient within their Lordſhip) elſe the Miners ſhall buy them at their proper coſt in other Lordſhips: and then the Lord ſhall take lot, and then it ſhall be lawfull for them to carry their Mine whether ſoever them liſt, and burne it, and do with it what them likes beſt, without diſturbance of the Lord or of any of his Officers.

The Miner to be allowed a place for his lodge and cottage, with Houſeboot, Hayboot, and all manner of timber for his grove.

And the Miners and Merchants, of the ſaid Mine, ſhall be quit of all dammage and all other Cuſtomes, as farre as the Lordſhip laſteth, and in all places as the Lord may ſpend 4. d. by the yeare.

The Miner and Merchant to be all free.

And the Miners ſhall have for their beaſts paſturing with the Lords beaſts, in his Waſts, except his fenced Parks, Meadowes, and ſowen Fields, and then no Miniſter of the Lords ſhall pind them nor diſtraine them; for no Article of the Mine within the Fraunchiſe of the Mine, but only the Barghmaſter and the Lord.

The Miners to have paſturing for their beaſts in the Lords waſts.

Not to pound the Miners cattell.

Alſo the Steward ſhall hold yearly on the Minerie, at their owne will Courts, and two great Courts every year, and if any Miner or other perſon be attaint for ſtealing of Oare, firſt he ſhall be merced in it 5 s. 4 d. the which four pence, the Barghmaſter ſhall have; and if he be attainted again, he ſhall be merced

Courts to be kept.

ced in 10 s. 8 d. the which 8 d. the Barghmaster shall have: and if he be attainted the third time for stealing of Mine, he shall be taken and stricken through the right hand in the palme with a knift up to the heft into the stow, and there he shall stand till he be dead, or else cut himselfe loose, and then he shall forswear the Fraunchise of the Mine.

Of orders on the Myne to abide in the Barghmasters keeping.

And if any man be taken by occasion of any Article that belongeth to the Mine, he shall abide in the keeping of the Barghmaster, and if he will be Mainprized, the paine shall be an hundred shillings, to be brought again before the Steward at the next Court of the Mine; and if he that is Maineprized be attainted of Fellonie in the Court, the Steward shall do to him as the Law will upon the same place, if he will put him upon the Miners.

The Office of the Steward touching felony on the Myne.

A bloudshed is 5 s. 4 d.

And each trespasse of Oathes or blood-shed, shall be merced at five shillings four pence, which four pence the Barghmaster shall have.

Fines for trespasses committed in Mynes.

And every other trespasse done upon the Minerie shall be fined at two pence, and that shall be paid to the Barghmaster, the first day of Affirment; or els the second day it shall be doubled, and so from day to day till it come to five shillings foure pence, and then the Barghmaster shall have the foure pence, and the Lord the 5 s.

Weights and measure,

And the Miners and Merchants shall have weights for their Lead, and measure for their Oare, at all times when they will, and the Ministers to be ready at all times upon warning without let of the Lord or of his Officers.

No person but only the Barghmaster shall have any thing to do with any that is slain in the Myne.

And if it happen that the Miners or any other be dead in the grove or elswhere, none Escheator nor Coroner, nor none other Officer of the Lords shall meddle of Lands, Goods, nor Cattells, of him that is slaine or dead by any mis-fortune, but only the Barghmaster of the Mine.

Of the lands and chattels of felons and fugitives.

And if any fellonie be done within the Fraunchise, by manslaughter, or fugitive of fellonie, or theft, or robbery the Lands and Cattells of Felons and fugitives shall be forfeited (if they have no better grace.)

And

And if any Myner of his own will underbeyt his Neighbours meare, that then he shall fill his underbeyting with such as he got out, be it pure Myne or Bargh or Bous. And be amerced at 5 s. 4 d. which 4 d. the Barmaster shall have.

How the Myners shall be paid.

And if any Myner, or other, take Coftage of a Merchant, and may not finde Myne to that Merchant the which Merchant will make no more coft to finde Oare in the same place, and after he laboureth and findeth Myne to the profit of another Merchant; In that case, the first Merchant after such labour shall come; and if there be two or three, the same first Merchant that first made his Coftage, shall have the third stone till he have received his Coftages, and the other Merchant shall have the two parts for that the Myne was found at his Coftages.

Liberty for the Myners and Merchants in respect of Lot and Copr.

Also, the Myner and Merchant shall have free entry, an Iissue by all the Lordship to carry their Myne, and beare it whither they list without let of the Lord, or any of his Officers: but they shall give to the King for every load 4 d. for entry and issue by his Lordship, and that is called *Copr.* And if any Myner or Merchant die by misadventure under the earth, or be slain by chance-medley, the Barmaster shall see his body as Coroner, and let his body be buried without any other Coroner.

What is due to be paid for Copr.

The Barmaster is Coroner for the Myne.

And the Myners shall have for their Lot and *Copr.* sufficient Tymber for their work, without any penny giving of the next Founder within the Kings Lordship.

Greene-tymber.

Also, they shall have Water to wash their Myne, without any let for the said Lot and *Copr.*

Water.

And if the Lord will buy their Myne, for as much as any other man will give them, he shall have their Myne afore all other men; and if he will not, they shall sell their Myne where they will to their most profit, without Impeachment or disturbance of the Lord, or any of his Ministers. In witnesse whereof, &c.

The Lord to have preemtion of the Myners Oare.

These have been the Laws and Customs of the Myne, used in the Highest Peake, and in all other places through *England* and *Wales*: For the which to be had, the wise Myners sued to our

Lord the King, that he would confirm them by his Charter under his great Seale in way of Charity.

And for his profit, foraſmuch as the aforeſaid Myners have been at all times in perill of their deaths, and that they have nothing in certaine but that which God of his grace will ſend them.

William Debankes.

FINIS.

Cur Magna Barmot. tent. apud *Wirksworth* Coram *Franciſco* Com. Salop. xx. die *Septembris*, Anno Regni Edwardi ſexti &c. tertio.

Inquiſitio Magna pro domino Rege Miner. infra Wapentag prædicto per Sacram.

Jurors.	*Nicholas Hydes.*	*William Bennit.*
	Robert Cotton.	*Thomas Steeple.*
	Edri Rowbotham.	*Thomas Wood.*
	Hen. Storer.	*James Hall.*
	Will. Leigh.	*Roger Gell.*
	John Spencer.	*I hn Storer.*
	Thomas Bramwall.	*Hen. Spencer.*
	John Gratton.	*Ralph Haughton.*
	Jo. Semers.	*Oliver Stonne.*
	Richard Wigley.	*Roger Malle.*
	Tho. Cock ſonne.	*Edward Wyllie.*
	Thomas Woodivis.	*Will. Shawe.*

Wee doe preſent and ſet downe paynes for the Miners as followeth:

1. Wee will, that the Lord of the Field ſhall make an able diſh from this day forth betweene the Merchant Buyer and the Seller; and againſt every good time, as Chriſtmas, and Whit-ſuntide, two able diſhes, upon paine for every time wanting (if it be called for) to forfeit for every time 3 s. 4 d. to the King. *Maſters.*

For grounds not justly wrought.

2. Also, that the Lord or the Field Deputy, and the Barmaster, or his Deputy, shall goe every weeke once or twice over the fields, and where they finde any ground wrought wrongfully by any man, contrary to the Right and Custome of the Mine, then they shall take them up untill such time as the Law of the Barmoote hath determined it, or else the Barghmaster or his Deputy, according to the old Custome, shall put foure or six honest men among the 24. that they may have the hearing of the matter between the parties, for to set an order for the same ground so wrought wrongfully, that the field be not stopped.

And whosoever disobeyeth this Article, to forfeit for every time so doing 3 s. 4 d. or else to go to the stocks (if he be a light person) and the 24 Miners shall ayde the Officers in so doing, according to the old Custome of the Mine.

To passe from the Grove to the Kings High-way to the water.

3. Also, that the Barmaster, or his Deputy, shall able us the next way to the Kings High-way to the Water with Oare, if any man stoppe us according to the Custome of the Mine

Touching the measuring of poor mens Oare.

4. Also, if there be any poore man, that hath any Oare under a Load to mete, and give the Barmaster warning according to the Custome of the Mine; and cannot have the dish; then it shall be lawfull for such poor men to take two honest Neighbours, and deliver his Oare to whom it pleaseth him, paying the Church and King their duties.

Touching Oare stealers.

5. Also, if the Barghmaster attatch any Oare, or his Deputy, which is stollen, he shall attatch the seller thereof, that hee might have the Law of the Mine, according to the Charter.

Tryalls for Grounds in variance.

6. Also, if there bee any man that maketh any title to any mans grounds, contrary to right, and it bee tryed at the Law, Hee that is cast shall pay two shillings for the 12 mens dinners; and if hee will not pay it, then the Barghmaster shall take so much Oare of him as commeth to two shil-

shillings, or else some other distresse if hee bee worth so much.

7. Also, that no Miner shall be amercied by the Barmaster, without lawfull warning. *Not to be amercied.*

8. Also, that no man shall mete without the Kings dish; for if hee do, and be so taken, if it be above a load of Oare, the Lord of the field shall have it; and if it bee under a load, or a load, the Barmaster shall have it; if he be taken meteing, besides the dish, if hee doe not call for the Kings dish according. *Of Oare unlawfull measured, and taken.*

9. Also, that no man shall sue any Miners for any Oare debt forth of the Barmoote Court; nor no officer shall serve no VVrit nor VVarrant upon any Miner when hee is at his worke upon the Mine, nor when the Miner commeth to the great Leets of the Barmoots but the Barmaster or his Deputy; and if any man sue for Oare-debt forth of the Barmoote Court, hee shall lose the debt and pay the costs. *Concerning Oare debt.*

10. Also, the Barmaster shall keepe two great Courts every yeare: and if need require, every third week a Court, upon paine of 3 s. 4 d. *How the Courts ought to be kept.*

11. Also, if any Miners, by the Grace of God, finde any new Rake or Veine, the first finder shall have two meares, and the next meare after the Barmaster shall have for the King, according to the old Custome of the Mine, and every taker after but one meare, and so the field to be occupied according to right and Custome. *If a new field be found.*

12. Also, by the old Custome, Miners ought to have Wood of the Kings Woods, to stow and tymber their Groves under the earth and above, and therefore they pay lot to the King, for which they ought to have sufficient Wood of the Kings grounds that is next thereto. *Why lot is paid.*

13. Also, if there be any man slaine or murdered upon the Mine within any Grove, neither Escheator, nor Coroner, nor any other Officer shall meddle therewith but onely the Barmaster. *How long crosses and holes shall hold possession.*

14. Also, all new grounds, as Crosses, and Holes, that be

No ground to be measured until it be freed by the Oare there gotten.

not stowed nor yoked lawfully from the first day of *July*, or within three weekes and a day after next ensuing, that then it shall bee lawfull for any man to take them and worke them lawfully; And no Crosses nor Holes shall stand no longer then a man may goe home and fetch his tooles to worke with, and Timber to stow with; And the farthest day so standing to be three dayes, and after the third day any Crosse or Hole shall bee lawfull for any man to worke them lawfully.

15. Also, we say, that the Barmaster shall not measure any mans ground untill such time as the Myner hath Oare gotten within the same ground, to free it with, or else it shall not be measured.

The buyers not to touch the dish.

16. Also, that no Merchant buyer of Oare shall touch the Kings dish, nor put his hand therein to make his measure, but the Barmaster, or his deputy shall be indifferent betweene the Merchant buyer of the Oare, and the seller.

That hee which is in possession shall worke, and the Claymer take his course by Law.

17. Also, that no man that is a Work-man, that doth work his ground truly, there shall no man come to claim his ground, and take him up to stop the field; But the first Work-man shall Work, and the Claimer take the Law, and the Barmaster shall do him the Law truely.

Touching gages and counterfeit dishes, being kept.

18. Also, no barmer, nor any other deputy shall keepe no Counterfet dish, nor gages in their Cooes nor Houses, but every man shall buy by the Kings dish, and no other dish used, upon paine for every dish, or gage so known, or taken, to forfeit for every time 6 s. 8 d. and the seller to forfeit his Oare.

Touching Gentlemen, and other mens groves unwrought.

19. Also, if any Gentleman, or other man have any ground lying in the Mine, called the Kings Field of the Mine, they shall keepe them lawfully with stowes and timber openly in all mens sight, betweene this and *Michaelmas* next to come, or else it shall bee lawfull for any man to take and Worke them for their own.

Against maintenance touching groves in variance.

20. Also, wee lay a paine, that no person, nor persons, shall at any time from henceforth goe to any Gentleman, or any other man for to give, or sell any Groves, or

Grounds

grounds in variance; for maintenance for every perſon ſo doing, to loſe his ſaid grove, or groves; And the taker of any ſuch groves in variance as aforeſaid, to forfeit ten pounds to the King.

Touching meaſures by counterfeit meaſures.

21. Alſo, if any perſon, or perſons, from henceforth doe make any gage, or counterfeit the Kings meaſure to mete Oare with, if it be a load, every ſuch perſon, or perſons ſo taken, ſhall forfeit for every time ten pounds, and his Oare to the King.

Cur. Magna Barmock, Dom. Regis & Dom. Reginæ tent. apud *Wirkſworth*, 3. Die Maii Annis Regni Philippi & Mariæ, dei gratia regis & Reginæ Angliæ, Hiſpaniæ, Franciæ &c. tertio & quarto:

Inquiſitio magna, pro Dom. Rege & Dom. Regina pro Myner infra wapentag. prædict. ſecundum conſuetudinem ibid. uſitat. per ſacram.

Jur.	*Radi Cadman*	Jur.	*John Wright*
	Hen. Smith		*Nichol. Sleighholme.*
	Rich. Winfield		*Laurence Supper*
	Hen. Spencer		*Roger Marlee*
	Wil. Sands		*Roger Tippinge*
	Rich. Hilton		*Rich. Wigſey*
	Robert Alleyn, ſenior.		*John Norman*
	Hen. Myeock		*Wil. Rohotham*
	John Steeple		*Tho. Wood*
	Will. Ballance		*Tho. Needham*
	Tho. Bennet		*John Pickock*
	Too. Berrie		*Tho. Johnes*

1. We

That the Lord of the Field shall provide able dishes.

1. We will, that the Lord of the field shall make for us, and all other Myners, an able dish from this time forth between the Merchant buyer, and the Merchant seller of oare, and against every good time, as *Christmas*, *Easter* and *Whitsuntide*, two able dishes if need shall require, if they be called for, upon paine for every time not so doing, to forfeit 3 s. 4 d

No person shall dig or shovell within seven foot of any mans wash trough.

2. Also, we lay a paine, that whereas every man that hath a washing trough of his own, by the custome of the Myne, ought to have the space of seven foot about the said washing trough; that if any person shall digge, delve, or shovell nigh upon the said trough, within the said space, shall forfeit so oft as they shall so doe 4 d.

A paine touching purchasers.

3. Also, we lay a pain, that no person or persons shall purchase any Oare in any mans ground, but in their own; onely, except that the owners be upon the ground, upon paine to forfeit the Oare to the owners of every such grounds, and 6 d. to the King and Queen, so oft as they shall be taken therewith.

No person is to dig or delve, or shovel, neer any mans binge place.

4. Also that no person shall digge, delve, or shovell at, or about any mans binge, upon paine to forfeit for every time 12 d.

That the purchasers shall always give to the Myners at the wash troughs.

5. Also, that no purchasers shall let, or stop any Myners, from any wash trough at any time, upon pain for every offence to forfeit 12 d.

Two Neighbors, in default of the Barmaster, may measure any poore mans Oare, if it be under a load.

6. Also, we present, and say upon our oathes, that the Customes of the Mynes, within the Wapentage of *Wirksworth* is such, that if there be any poore Myner, or other person that hath oare to be moulten under one load, if the Barmaster have knowledge thereof, and will not come to the measure thereof upon reasonable request, and warning to him made, and given, then every such poor man may lawfully take two neighbours, and deliver his Oare to whom he will; so that the Church, the King and Queen, have their lawfull duties for the same.

7. Also

7 Alſo that no perſon ſhall deliver any Oare beſides the King and Queens Meaſure called the Diih, without Licence of the Barmaſter or his Deputy, upon paine to forfeit for every time 2 s. *None to deliver any Oare beſides the Kings diſh.*

8 Alſo if any Accounts be commenced in the ſaid Court of Barmoote, by any perſon againſt any man for any grounds in variance, whoſoever ſhall be condemned by Verdict of twelve men, or otherwiſe, or if a Pannell be ſummoned and thereupon do appeare and be ſworn to try the iſſue; If the Plaintiffe will not follow his ſuit, or if the Plaintiffe for his unjuſt ſute, or the Defendant for the unjuſt defence of his unlawfull title ſhall be condemned, he ſhall pay 4 s. for the twelve mens dinners, and the Barmaſter to lay forth the mony, and he to leavy the ſame againſt the party condemned. *That foure ſhillings be allowed for the twelve mens dinners, and the Barmaſter is to lay it down.*

9 Alſo that no Miner ſhall be amerced by the Steward of the ſaid Court of Barmoote; without lawfull Summons or Warning, upon paine for every time 4. s. and the Barmaſter to pay amercements. *No Miners to be merced without lawfull ſummons.*

10 Alſo we lay a paine, that if any perſon or peſons take away at any time any Stowes, Timber, Picke, or any other things concerning the occupation of the Mine, from any mans ground or Cowes, ſhall forfeit for every time v. s. whereof 20. d. to the King and Queene, and 3. s. 4. d. to the party greived. *A paine againſt purloyners of any things belonging to the Groves.*

11 Alſo we ſay upon our Oathes, that all grounds, as Croſſes and holes that be not ſtowed nor yoked lawfully, from henceforth within three weeks and one day, that then it may be lawfull for any perſon or perſons to take them and worke them lawfully. And no Croſſe nor Hole ſhall ſtand nor prevaile any longer time then a man may goe home and fetch his tooles to worke withall, and timber to ſtowe with, and the farthermoſt day to be three dayes; and after the third day then every ſuch Croſſe and Hole ſhall be lawfull for all men to worke them to their moſt profit and advantage. *That Holes Croſſes without timber & workmanſhip, ſhall not hold poſſeſſion of a Grove above three daies.*

Wood and water is to be allowed by the King, for which he receives let.

12 Also we say upon our Oaths that all Miners within the Wapentake of *Wirksworth* ought to have by Custome and Freedome thereof the next wood and water of the Kings and Queens to flow and timber their ground under the earth and above. And therefore the Miners do pay Lot to the King and Queene.

The Barmaster shall set forth a way highest to the water.

13 Also the Barmaster shall able the Miners the next way lying to the high way to the water (if they be stopped) upon paine for every time 12 d.

What places the Miners do claim priviledge to work in.

Any workes within arable Grounds and Meadows not daily wrought, may by the occupiers of the same Lands and Meadows be filled.

14 Also we do present and say upon our Oathes that it is lawfull for all the King & Queens Leige people to dig, delve, search, subvert & turn up all manner of Grounds, Lands, Meadowes, Closures Pastures, Moores, and Marishes for Oare-Mine within the said Wapentake of *Wirksworth* of whosesoever inheritance or possession the same be. But if any Arrable Grounds or Meadows be digged, delved, or subverted for Oare-Mine by any person, and not wrought lawfully, according to the Custome of the Mine, that then it may be lawfull to the inheritors or possessors of all such Arable Grounds and Meadowes, onely so digged, delved, and subverted, or mined, the same to fill up againe at their owne wills and pleasure.

Wherein a Miner is amerced.

15 Also we doe present and say upon our Oathes, that the custome of the said Mine is such, that if any Miner be amerced at the Court of Barmoote, the first time is 2. d. and so at every Court, if such occasion insue, to double the same untill it shall amount to 5. s. 4. d. whereof 5 s. to the King and Queene and 4. d. to the Barghmaster.

No person for Oare, Debt, or Groves in variance, is not to be sued to any other Court then the Court of Barmoote.

1 Also we doe present and say upon our Oathes, that the custome of the said Mine is such, that no person ought to sue any Miner for Oare, Debt, or for Oare or for any grounds in variance, but onely in the said Court of Barmoote: And if any do to the contrary they shall lose their debt and pay the charges in law, and that no

officer

officer shall execute any Writ, Warrant: or Precept, upon any Miner being at his worke upon the Mine, nor when the Miners shall come to the great Courts of Barmoote, but onely the Barmaster or his Deputy. *Touching Writs, Warrants, and Precepts.*

17 Also that no person or persons shall buy Oare at any time or times unlawfully, or unlawfully meaten, but the same to be done openly by the King and Queenes Measure called the Dish, upon paine for every time so offending and taken therewith to forfeit 10. s. and the seller thereof the Oare. *Of buying Oare besides the Kings Dish.*

18 Also we lay a paine that no person or persons from henceforth shall keep any Dish or counterfeit measure in their houses, cowes, or in any other place: and that every person shall buy and sell their Oare by the Kings Dish, and none other to be had or used amongst them, and every buyer so offending for every time to forfeit 10 s. and the seller to forfeit the Oare by any such unlawfull Measure so bought or sold. *No man to keep any Dish, Gage, or counterfeit Measure.*

19 Also that the Barmaster shall keepe two great Courts of Barmoote yearely at or about the feasts of Pasche, and Saint Michael the Archangel. And every three weeks a small Court as need shall require, upon pain for every default 4. s. 4. d. *Of keeping of the Courts.*

20 Also our custome is such, that if any Miner, by the Grace of God, doe find any new rake or veine, the first finder ought to have two Measures, and the Barmaster ought to have the next Measure thereunto for the King and Queene, according to the custome of the Mine, and every one after so far as the said Rake will continue. *Custome of finding a new Rake, or Veine.*

21 Also if it fortune or happen that any Miner be Slaine, Killed, Murdered, or Damped upon the Mine within any Grove, neither Escheator, Coroner, nor other officer ought to meddle thereupon, but the Barghmaster or his Deputy. *The Barghmaster is Coroner when any are slain.*

22 Also the Barmaster shall not Meat', nor Measure any *The Barmaster not to measure.*

any Ground before it be freed.

any mans ground, untill such time as there shall be Oare gotten within the same ground, and that when they free it, it shall be meaten.

The Merchant not to touch the Dish.

23 Also that the Merchant Buyer of the Oar shall not touch the Kings Dish or Measure, nor put his hand therein to the intent to make his Measure, but the Barmaster or his Deputy shall be indifferent betwixt the Merchant Buyer and Seller.

Against stopping the field.

24 Also that no workman shall come to any workman that doth worke his ground truely, by any colour to claime his ground or take him up to stop the Field of the Mine, but the first workman shall worke, and the Claimer take the Law, and the Barmaster shall do him Law.

For keeping of Grounds without stowes and timber.

25 Also, if there be any Gentleman or other man that hath any grounds lying in the Mine called The Kings field of the Mine, they shall keep them in occupation with Stowes and Timber in all mens sight; or else it shall be lawfull for any man to worke them as their own, to their most profit and advantage.

That no person shall sell Groves in variance.

26 Also we lay a paine, that no person or persons shall goe to any Gentleman or other man, to give or sell any Grounds or Groves in variance for maintenance, in paine for every man so doing to forfeit the said grounds or groves, and the taker of them to forfeit ten pounds.

Against making any Gage or counterfeit measure.

27 Also, if any person or persons from henceforth doe make any Gage or counterfeit Measure to meat any Oare with, if it be above a load, that every such person or persons so taken shall forfeit forty shillings; and if it be a load or under a load, the Barmaster ought to have the Oare.

Against bringing unlawfull weapons to the field.

28 Also we lay a paine, according to our custome, that no person shall bring any unlawfull weapons to the Mine, for every time 3. s. 4. d. and if any make an assault or a fray upon the Mine, every such person is ten

pounds

pounds, and every blood maliciously shed against the King and Queens peace is an hundred shillings.

29 Also, we say upon our Oathes, That the custome of the Mine is such, that if any person or persons will make any title in or to any Groves, Grounds, Shafts, or Rakes, Veines or Meares of Groves or Oare, ought to arrest the same, according to the old custome of the Mine: And the Defendants ought to be be bound in sufficient bond, with sufficient sureties with him to the Plaintiffe or Claimers, not only to make answer at the next Court of the Berghmoote to such action or actions as shall be attempted by the Plaintiffe or Claimers upon the said Arrestment, but also to yeeld so much Oare, or the value thereof to the Plaintiffes (if the Defendants bee cast or condemned by verdict of twelve men or otherwise.) And furthermore, we doe order in the Premisses, That after such Arrestment made, the Barghmaster shall appoint a Court of Barmoote within the space of ten dayes, or else as shortly after as he can or conveniently may: And if the Plaintiffe doe not follow and pursue his suit upon the said Arrestment, then he to lose to the Barmaster 6 s. 8. d. and to lose his suit also, so the Barmaster keep a Court as is aforesaid. And if the Barmaster doe not keep a Court upon request to be made, then is he to forfeit for every Court not kept ten shillings.

Concerning Greves, or Meares of ground in variance.

30 Also we doe present and say upon our Oathes, that if any person or persons doe steale or feloniously do take away any Oare from any Grounds, Groves, Cowes, Houses, Boles, or Bolsteds, if it be under the value of 13 d. halfe peny, then the Barghmaster shall punish such Offenders in the Stocks, Pillory, or otherwise, as is fit for such offenders to be punished: And if any Oare be stollen above the value of 13 d halfe peny, we say it is Felony: notwithstanding any surmised, fained, or imagined custome amongst us used to the contrary: And that all such

Concerning stealing, or feloniously taking away of Oare from any Grove.

persons,

persons, receiving, aiding, helping, or comforting such Offenders, knowing them to have committed such offences or Fellonies, be accessary to the same.

That no man shall cast in any mans Grounds,

31 Also, if there be any Minors which doe worke in any Meare, Grove, Shaft, Veine, Rake or Grounds, according to the custome of the Mine aforesaid, for that we doe lay a paine, that no person or persons at any time or times, neither by day nor night shall cast in any of the said Grounds, howsoever they shall be wrought, upon paine for every offence ten pounds. For if any Grounds be not wrought lawfully, there is a Law for reformation to be had in such cases provided.

The Barghmaster or his Deputy walking the Fields.

32 Also we will that the Lord of the Field, or his Deputy, and the Barghmaster or his Deputy shall goe once a weeke once or twice over the Field, and where they finde any of these Articles not done, or any that doe offend in any of them, they shall doe their deligence to reform the same: And if any of these paines bee broken or forfeited, they shall endeavour themselves and inquire thereof, and present the Offenders and Offences at the great Court of Barmoote from time to time.

Against Cavers.

33 Also we doe lay a paine, that no person or persons shall from henceforth Cave in any mans grounds, or elsewhere, upon paine to forfeit the Oare to them that will take the same from the Cavers, and they to forfeit for every offenee to the King 6.d.

Declarat.

Declarat. præsent. & confirmat. fuer. verdict. Articuli per Sacram. Jurat. super dic. die & Annis prædict. Coram Tho. Ballington *Armiger. firmar. Dom. Reg & Dom. Regina, ibid.* Edwardo How *Gener. Le Barmaster duor. Regis & Reginæ modo & forma prædict.*

34 The foure and twenty have concluded, That no man shall set of any old ancient worke, without the Barmaster and two of the foure and twenty.

No man to set on work without the Barmaster and two of the 24.

Per me, *Frances Cotterell.*

William Drybankes.
Of the foure and twenty.

FINIS.
